

Remarks

The Applicants have cancelled Claims 5, 6, 10 and 11. The Applicants respectfully request entry of these cancellations into the official file inasmuch as the cancellations reduce the number of issues remaining in the application.

The Official Action states that Claims 1 and 7 are rejected under 35 USC §103 over the hypothetical combination of Streicher with Shiota. The Applicants respectfully submit that Claim 1 was already cancelled, thereby rendering that portion of the rejection as being moot. The Applicants appreciate the Examiner's detailed comments hypothetically applying the combination against Claim 7. The Applicants nonetheless respectfully submit that the combination is inapplicable. Details are set forth below.

Referring to the "Response to Arguments" section of the Action, the Applicants acknowledge the point that "a fair comparison has not been made and cannot be relied upon for a showing of unobviousness." In that regard, the rejection states that the earlier illustrated comparison between the Examples and Comparative Example 4 is insufficient because Comparative Example 4 only uses black pigment and not a combination of yellow, blue, red and black "as taught by the combination of the prior art." The Applicants firmly believe that the earlier comparison is fully adequate to show the Applicants' unexpected results. However, the Applicants enclose a Declaration of Mr. Tomoyuki Horiguchi. Mr. Horiguchi is not an inventor, but is well versed in this art and is familiar with both the contents of this application and the rejection at hand. Mr. Horiguchi's Declaration presents additional comparative data in the form of three additional experiments, all three of which produced artificial leathers that included yellow, red, blue and black pigments in various concentrations, those concentrations being similar to those in the art of the record.

The Declaration also shows various physical characteristics, including the Applicants' claimed discoloration ratio after reduction cleaning. In that regard, the Applicants note that Claim 7 recites that the discoloration ratio after reduction cleaning is 20% or less. Referring to the Declaration, it can be seen that the various discoloration ratios in the three experiments were 47%, 31% and 39%. These all exceed the claimed discoloration ratio by a significant amount. In fact, the Declaration provides results that exceed the claimed range by more than 50% at a minimum and up to and including more than 100%.

The Applicants thus respectfully submit that the results that they have obtained and claim in Claim 1 are completely unexpected inasmuch as their discoloration ratio is 20% or less. The Applicants' Examples in their specification show these dramatic differences when compared to Experiments 1-3 in Mr. Horiguchi's Declaration that are the result of combinations of the teachings of Streicher with Shioda.

Inasmuch as the Applicants have factually established unexpected results, the Applicants respectfully submit that they have now provided the requested "fair comparison" to demonstrate nonobviousness. Withdrawal of the rejection is respectfully requested.

Claims 6 and 8 stand rejected under 35 USC §103 under the further hypothetical combination of Pedain with Streicher and Shioda. The Applicants respectfully submit that the rejection is now moot. Withdrawal of the rejection is respectfully requested.

Claim 10 stands rejected under 35 USC §103 over the hypothetical combination of Yamada with Shioda. The Applicants respectfully submit that the rejection is now moot. Withdrawal of that rejection is also respectfully requested.

Claims 11 stands rejection under 35 USC §103 over the further hypothetical combination of Pedain with Yamada and Shioda. The Applicants respectfully submit that the rejection is now moot. Withdrawal of the rejection is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750
Attorney for the Applicants

TDC/vp
(215) 656-3381